

REMARKS

Applicants thank the Examiner for consideration given the present application. Claims 1-8, 13 and 14 are currently pending. Claims 1 and 13 have been amended and claim 15 has been cancelled through this reply. Claims 1 and 13 are independent. Applicants respectfully request reconsideration of the rejected claims in light of the amendments and remarks presented herein, and earnestly seek timely allowance of all pending claims.

Amendment

The amendment made to claim 1 is merely made to facilitate a divisional application and not made in response to the rejections.

The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-12 under 35 U.S.C. § 102(b) over European Patent Application No. EP0698388 to Cantoro; rejects claims 1, 2 and 7-15 under 35 U.S.C. § 102(b) over Japanese Patent Publication No. JP2000-157977 to Hoshino et al. (Hoshino); and rejects claims 1-15 under 35 U.S.C. § 103(a) over European Patent Application No. EP0826636 to Morisawa et al. (Morisawa) in view of Cantoro and Hoshino. These rejections are respectfully traversed.

Independent claim 1 recites “an artificial physiological salt solution which can be used as an organ cleaning solution, wherein the active hydrogen reaction value is 0.01 to 1, pH is 4.0 to 7.9 and the osmotic pressure is 260 mOsm/L to 2560 mOsm/L.” The applied references fail to teach or suggest the recited features of independent claim 1.

As stated in the International Preliminary Examination Report of December 13, 2005, none of the applied references teach or suggest the use of the artificial physiological salt solution as “an organ cleaning solution.” In the present invention, the electric reduction water should be adjusted to have a specific active hydrogen reaction value, pH and osmotic pressure in order to use the artificial physiological salt solution as “an organ cleaning solution.”

Furthermore, the Office Action alleges that since the USPTO does not have the analytical equipment necessary to measure physical properties which were previously unmeasured in the art, in particular the hydrogen reactive value, the burden is appropriately shifted to Applicant to demonstrate a difference between the prior art and the claimed invention.

The specification discloses that where the active hydrogen reaction value is less than 0.01 or exceeds 1, the active oxygen eliminating activity and anti-inflammation effects are reduced or lost, and therefore, the object of the present invention can not be achieved. See page 8, lines 8-16 of the specification. A difference between the prior art and the claimed invention is shown. Thus, the applied references fail to teach or suggest the recited features of independent claim 1.

Furthermore, the present invention is directed to an organ cleaning solution; however, Morisawa is directed to purified water that helps prevent or suppress DNA damage. Thus, there is no rationale for combining the Morisawa reference with Cantoro and Hoshino. Accordingly, the applied references fail to teach or suggest the recited features of independent claim 1.

Independent claim 13 recites, *inter alia* “adjusting the content of sodium ions and potassium ions so that potassium ions: sodium ions = 1:4 to 1:8 (mol ratio) in electrolytic reduction water by adding sodium chloride and/or potassium chloride.” The applied references fail to teach or suggest the recited features of independent claim 13.

Morisawa, Cantoro and Hoshino fail to teach or suggest the adjusting the content of sodium ions and potassium ions. Thus, the applied references, alone or in any combination, fail to teach or suggest the recited features of independent claim 13.

For at least the reasons stated above, independent claims 1 and 13 are patentably distinct from the applied references. The dependent claims are at least allowable by virtue of their dependence on corresponding allowable independent claims 1 and 13.

Accordingly, withdrawal of the rejections of the claims based on the applied references is respectfully requested.

Double Patenting Rejection

The Office Action rejects claims 13-15 on the grounds of non-statutory obviousness-type double patenting over claim 1 of Morisawa, Cantoro and Hoshino.

 Morisawa claims a method of producing electric dissolved hydrogen containing water comprising the step of adding sodium chlorides as an electrolyte to purified water for promoting electrolysis of purified water.

 In contrast, amended claim 13 requires the step of adding sodium chloride and/or potassium chloride for adjusting the content of sodium ions and potassium ions so that potassium ions : sodium ions = 1 : 4 to 1 : 8 (mol ratio) in electrolytic reduction water. The applied references fail to teach or suggest amended claim 13. Withdrawal of the rejection is respectfully requested.

Conclusion

 In view of the above amendment, applicant believes the pending application is in condition for allowance.

 Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Obert H. Chu, Reg. No. 52,744, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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